

June 7, 2019

Mr. Eric J. Chodnicki
Daft McCune Walker, Inc.
501 Fairmount Avenue
Suite 300
Towson, Maryland 21286

RE: Pearlstone Conference and Retreat Center, Building Expansion
Forest Conservation Variance
Tracking # 03-19-3019

Dear Mr. Chodnicki:

A request for a variance from Baltimore County's Forest Conservation Law was received by this Department of Environmental Protection and Sustainability (EPS) on April 15, 2019. The variance seeks approval to remove a 35-inch black cherry (*Prunus serotina*) in poor condition for the construction of a two-story, twenty-room dormitory addition to the existing retreat and conference center. The applicant is not proposing mitigation since the native tree is in poor condition, no forest would be impacted, and the entire 158-acre property is complying with the full extent of the Forest Conservation Law.

The Director of EPS may grant a special variance to the Forest Conservation law in accordance with criteria outlined in Section 33-6-116 of the Baltimore County Code. There are six (6) criteria listed in Subsection 33-6-116(d) and (e) that shall be used to evaluate the variance request. One (1) of the three criteria under Subsection 33-6-116(d) must be met, and all three (3) of the criteria under Subsection 33-6-116(e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116 (d)(1) of the Code) requires that the petitioner show that the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of all beneficial use of his property. The applicant is seeking a building expansion on an institution-owned retreat property that existed well prior to the effective date of the Forest Conservation Law. While the application of the law would provide a hardship, it would not deprive the petitioner of all use of the property. Consequently, this criterion has not been met.

The second criterion (Subsection 33-6-116 (d)(2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general conditions in the neighborhood. The petitioner's plight is due to the location of the specimen trees in relation to the conference center to be expanded on this property rather than general conditions in the neighborhood. Therefore, we find that this criterion has been met.

The third criterion (Subsection 33-6-116 (d)(3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. The current expansion effort is minor in nature, will not result in a change in use of the property and is nearly one thousand feet from the nearest public road. Therefore, we find that the work will not alter the essential character of the rural neighborhood and that this criterion has been met.

The fourth criterion (Subsection 33-6-116 (e)(1) of the Code) requires that the granting of the special variance will not adversely affect water quality. This project is not impacting forest, is honoring the Forest Buffer Easements and Forest Conservation Easements and their covenants, conditions and restrictions. Furthermore, the building permit will be reviewed by Stormwater Engineering of this Department for compliance with current water quality management requirements. Therefore, we find that granting the special variance will not adversely affect water quality and that this criterion has been met.

The fifth criterion (Subsection 33-6-116 (e)(2) of the Code) requires that the special variance request does not arise from a condition or circumstance which is the result of actions taken by the petitioner. The petitioner has not taken any actions necessitating this variance prior to its request. Therefore, this criterion has been met.

The sixth criterion (Subsection 33-6-116 (e)(3) of the Code) requires that the Director of EPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. Permitting the removal of a specimen tree in poor condition in conjunction with an expansion of an existing, long-standing retreat center use that has complied with both the Forest Buffer Law and the Forest Conservation Law would be consistent with the spirit and intent the Forest Conservation Law. Therefore, this criterion has been met.

Based on our review, this Department finds that all of the required criteria have been met. Therefore, the requested variance is hereby approved in accordance with Section 33-6-116 of the Baltimore County Code with the following conditions:

1. Prior to issuance of any Baltimore County permit, blaze orange high visibility fence shall be installed along the limit of disturbance (LOD) wherever the LOD is within 50 feet of any remaining, viable specimen tree, Forest

Mr. Eric J. Chodnicki
Pearlstone Conference and Retreat Center, Building Expansion
Forest Conservation Variance
June 7, 2019
Page 3

Conservation Easement, Forest Buffer Easement or forest edge. This protective fence shall be illustrated in plan view and mentioned in the sequence of operations, if applicable.

2. The existing final Forest Conservation Plan, shall be revised prior to the next proposed expansion to reflect the latest changes as well as an updated specimen tree inventory.
3. The following notes must appear on all subsequent plans for this project:
 - “A special variance was granted on June 7, 2019 to Baltimore County’s Forest Conservation Law to allow permanent impacts to a specimen trees onsite. Conditions were placed on this variance, including updating the final Forest Conservation Plan for the property.”
 - “A special variance to Baltimore County’s Forest Conservation Law may be required for future removal of any specimen trees within this property.”

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request.

Please have the appropriate representative sign the statement on the following page and return a signed copy of this entire letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Mr. Michael Kulis at (410) 887-3980.

Sincerely yours,

David V. Lykens
Director

DVL/msk

C. Marian Honeczy, Maryland DNR

Mr. Eric J. Chodnicki
Pearlstone Conference and Retreat Center, Building Expansion
Forest Conservation Variance
June 7, 2019
Page 4

I/we agree to the conditions enumerated in this approval letter to bring my/our property into compliance with Baltimore County's Forest Conservation Law.

Pearlstone/AJC Representative

Date

Printed Name